

REMARKS/ARGUMENTS

This amendment is submitted together with a Request for Continued Examination and a petition for a two-month extension of time to respond to the final Office Action. These are submitted following the Advisory Action in which the Examiner indicated that the Request for Reconsideration filed April 27, 2005 does not place the application in condition for allowance.

Applicant wishes to thank the Examiner for the telephone interview that was conducted on June 17, 2005. During the interview, the rejected claims were discussed in relation to the art cited by the Examiner in the final Office Action dated January 27, 2005. In the interview, the undersigned stressed the operation of the presently claimed invention in a system operable to distribute one or more pieces of content owned by one or more owners to one or more receivers, the system being operable to determine whether the one or more pieces of content have been distributed with authorization of the one or more owners. While the discussions were productive, an agreement was not reached during the interview to immediately allow the application.

Claims 4-6, 8, 10-11, 14-16, 18, 20, and 53 are now pending in the application. In the final Office Action, the Examiner rejected all of the pending claims under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,505,160 to Levy et al. ("Levy") (all claims except 4, 14), or as being obvious over Levy in view of U.S. Patent No. 6,574,609 to Downs et al. ("Downs") (claims 4, 14). In view of the amended claims and arguments presented herein, applicant respectfully requests reconsideration and withdrawal of the rejections made by the Examiner.

As amended, claims 11 and 53 set forth a content

distribution method and a content distribution system for distributing one or more pieces of content owned by one or more owners and for determining whether such piece(s) of content have been distributed with authorization of its owner. The monitoring apparatus is operable to issue, as authentication information, a set of (a) time identification information indicating a time of issuing the authentication information and (b) distributor identification information. A distribution apparatus is operable to distribute the one or more pieces of content together with the authentication information attached thereto. Based on the time identification information distributed with the one or more pieces of content, the monitoring apparatus is operable to determine whether the one or more pieces of content distributed by the content distribution operation have been distributed with authorization of the owner of the one or more pieces of content.

Applicant respectfully submits that these features of the presently claimed invention are neither taught nor suggested by *Levy*, nor by the combined teachings of *Levy* and *Downs*. Neither *Levy* nor *Downs* teaches or suggests a system for determining whether one or more pieces of content have been distributed with authorization of an owner. *Levy* merely describes a system (FIG. 1) in which content is distributed with an identifier so that a receiver of the content can access "meta data" related to the distributed content. For example, the receiver can use the identifier received with music content to access a song title, lyrics and/or artist information (col. 2, 46-53). *Levy* neither teaches nor suggests use of the distributed identifier or of time identification information in determining whether the one or more pieces of content distributed by the content distribution system have been distributed with authorization of the owner of the piece of content. A timestamp described in *Levy* (col. 4, lns. 43-48;

col. 10, lns. 53-62; col. 3, lns. 37-48) and an identifier are merely used by a server of meta data (Server 1) to obtain and return the meta data related to the content.

Clearly, neither of these actions (generation of time stamp and use for obtaining meta data) are the same as determining whether one or more pieces of content have been distributed with authorization of the owner of the piece of content as recited in claims 11 and 53.

Moreover, neither *Levy* nor *Downs* teaches or suggests a method as particularly claimed in claim 14 which includes distributing one or more pieces of content together with attached authentication information in an unencrypted form and the attached authentication information in an encrypted form encrypted using an encryption key. As further recited in claim 14, the authentication information in the encrypted form is decrypted using the encryption key and compared to the authentication information in the unencrypted form to determine whether the one or more pieces of content have been distributed with authorization of the owner. *Downs* is merely cited by the Examiner as describing encryption of content and a key. *Downs* neither teaches nor suggests the distribution of authentication information (including distributor identification information and time identification information) in both encrypted and unencrypted forms, decrypting the encrypted data, and comparing the decrypted data with the unencrypted form of the data to determine whether content has been distributed with authorization.

Claim 4 contains similar recitations and is allowable for the same reasons as discussed above relative to claim 14 and for the same reasons as discussed above relative to claim 53 from which claim 4 depends. The remaining claims, which depend from the above-discussed claims, are allowable for at least the same reasons.

Support for the present amendments is provided, *inter alia*, at paragraphs [0059], [0067], [0081], and [0085]-[0086].

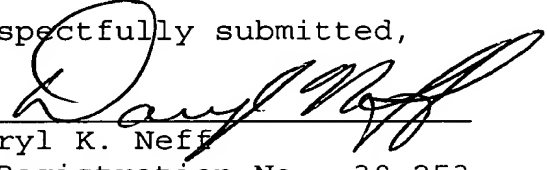
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: June 27, 2005

Respectfully submitted,

By


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